To: Salt Lake City Planning Commission
From: Linda Mitchell, Principal Planner, linda.mitchell@slcgov.com
Date: May 7, 2020
Re: PLNPCM2019-01147 – Detached Accessory Dwelling Unit

Conditional Use

PROPERTY ADDRESS: 1371 South 500 East
PARCEL ID: 16-18-226-004-0000
MASTER PLAN: Central Community – Low Density Residential
ZONING DISTRICT: R-1/5,000 Single-Family Residential

REQUEST: Alexis Suggs, property owner representative, is requesting Conditional Use approval for a detached accessory dwelling unit (ADU) on a property located at approximately 1371 South 500 East. The detached ADU would have a gross floor area of approximately 650 square feet. The property is zoned R-1/5,000 Single-Family Residential, which requires Conditional Use approval for the construction of an ADU.

RECOMMENDATION: Based on the information in this staff report, Staff recommends that the Planning Commission approve the Conditional Use request as proposed, and subject to complying with the following conditions:

1. Compliance with all Department/Division comments and conditions as noted in Attachment G.
2. The property owner shall comply with the registration process as outlined in section 21A.40.200F of the Salt Lake City Zoning Ordinance.

ATTACHMENTS:
A. Vicinity Map
B. Plans
C. Site Visit Photographs
D. Analysis of Standards - Accessory Dwelling Units
E. Analysis of Standards – Conditional Use
F. Public Process and Comments
G. Department Review Comments
PROJECT DESCRIPTION:
This petition for a Conditional Use is for a detached ADU to be placed in the rear yard of the existing single-family dwelling located at approximately 1371 South 500 East. The subject parcel is located on 500 East, between Harrison Avenue and Browning Avenue.

The proposed detached ADU would be located in the southeast corner of the rear yard. The existing detached shed would be removed. The existing detached garage would be demolished and replaced. The building footprint is approximately 650 square feet. It would be a one-story structure containing one (1) bedroom and one (1) bathroom with a shed roof measured approximately 14 feet 3 inches (14' - 3") in height. The primary exterior building material is six inch (6") vertical wood siding. The proposed detached ADU has a patio area that would be screened by a new six-feet (6') high wooden fence. The ADU entrance would face the south interior lot line (Figure 1). There are several windows on the south and west elevations (Figure 2). The proposed window on the north elevation will be within 10 feet of the side property line; therefore, it is an obscured window. The proposed windows are similar in size and profile as the windows found on the principal structure. The pedestrian access goes through the proposed concrete walkway to the existing driveway, starting from the [west] ADU patio gate to 500 East.
The parking for the existing house is accommodated by two (2) off-street parking spaces in the detached garage and an additional parking space under the attached carport, both accessed from 500 East. The proposal would provide two (2) parking spaces for the ADU, where only one (1) parking space is required and it would be located off-street in the rear yard with access from the alley.

**Figure 2. Project Renderings (Top: Southwest Elevation; Bottom: Southeast Elevation)**

**KEY CONSIDERATIONS:**

1. **Parking Location**
   The Zoning Ordinance requires one (1) parking space for an ADU. The required parking space may be located on the property or on the street, if legal on-street parking space is available in the front of the property. In this case, two (2) off-street parking spaces would be provided in the rear yard with access from the alley.

2. **Housing Goals**
   The proposed ADU is consistent with the goals and policies outlined within The Growing SLC Housing Plan. One of the goals outlined in the Housing Plan, includes; increasing housing options. Accessory dwelling units provide and promote diverse housing stock through providing additional units, while minimizing neighborhood impacts. The proposed ADU is in-line with the goals established within the Housing Plan. Housing goals are also addressed under Standard 3 within Attachment E.
3. Central Community Master Plan

The proposed ADU is consistent with the following Residential Land Use Goals/Policies included in the Central Community Master Plan:

- Encourage the creation and maintenance of a variety of housing opportunities that meet social needs and income levels of a diverse population.
- Ensure preservation of low-density residential neighborhoods.
- Encourage a mix of rental properties for those who cannot afford or do not choose home ownership (RLU-3.2).
- Support the efforts of the Housing Division and the Redevelopment Agency to provide residential construction in all qualifying neighborhoods within the Central Community (RLU3.5).

The proposed ADU is consistent with the Central Community Master Plans as discussed in Attachment E.

PLANNING COMMISSION REVIEW:
The property is zoned R-1/5,000 Single-Family Residential. A Conditional Use approval is required for any ADUs that are located in a single-family zoning district. For complete analysis and findings for compliance with zoning standards for Accessory Dwelling Units and Conditional Use standards, please refer to Attachment D and Attachment E.

NEXT STEPS:
Approval of Conditional Use
If approved, the applicant may proceed with the project, subject to all conditions imposed by City departments and/or the Planning Commission and will be required to obtain all necessary permits. Building permits and certificate of occupancy for the building would only be issued contingent upon all conditions of approval are met, including the registration process requirements outlined in 21A.40.200F of the zoning ordinance.

Denial of Conditional Use
State and City code require that a Conditional Use be approved if reasonable conditions can be imposed on the use to mitigate any reasonably anticipated detrimental effects of the use. A Conditional Use can only be denied if the Planning Commission finds that reasonably anticipated detrimental effects cannot be mitigated with the imposition of reasonable conditions.

If denied, the applicant would not be permitted to construct an ADU. An accessory building would be permitted on the property subject to compliance with the development standards and requirements of the R-1/5,000 Single-Family Residential District; however, no portion of the building may be used as a dwelling unit.
ATTACHMENT A: VICINITY MAP
ATTACHMENT C: SITE VISIT PHOTOGRAPHS

Top Left: Southwest Elevation of Principal Building from 500 East

Top Right: Northwest Elevation of Principal Building from 500 East

Bottom Left: View of rear yard from alley

Bottom Right: View of rear yard from proposed ADU parking spaces
**Top Left:** Rear yard facing the adjacent property to the north

**Top Right:** Rear yard facing the adjacent property to the south

**Bottom Left:** View of alley abutting the subject property

**Bottom Right:** View of alley and properties east of the subject property
## ATTACHMENT D: ANALYSIS OF STANDARDS - ACCESSORY DWELLING UNITS

### 21A.40.200: Accessory Dwelling Units

<table>
<thead>
<tr>
<th>Standard</th>
<th>Proposed</th>
<th>Findings</th>
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<tr>
<td><strong>Size</strong>&lt;br&gt;An ADU shall not have a footprint that is greater than fifty percent (50%) of the footprint of the principal dwelling, and shall not exceed six hundred fifty (650) square feet (SF).</td>
<td>Principal dwelling (included covered porch) is approximately 1,347 SF.</td>
<td>Complies</td>
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<td>Fifty percent (50%) of principal dwelling equals approximately 673 SF.</td>
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<td>Proposed ADU is approximately 650 SF.</td>
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<td><strong>Maximum Coverage</strong>&lt;br&gt;The surface coverage of all principal and accessory buildings shall not exceed forty percent (40%) of the lot.</td>
<td>Lot size is approximately 8,262 SF.</td>
<td>Complies</td>
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<td>[Rear] Yard Coverage: In residential districts, any portion of an accessory building, excluding hoop houses, greenhouses, and cold frames associated solely with growing food and/or plants, shall occupy not more than fifty percent (50%) of the total area located between the rear façade of the principal building and the rear lot line.</td>
<td>Forty percent (40%) of the lot is approximately 3,304 SF.</td>
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<td>Primary Dwelling: 1,227 SF&lt;br&gt;Covered Porch: 120 SF&lt;br&gt;Attached Carport: 190 SF&lt;br&gt;Detached Garage: 440 SF&lt;br&gt;Proposed ADU: 650 SF&lt;br&gt;Total Coverage: 2,627 SF</td>
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<td>The surface coverage of all principal and accessory buildings (including the proposed ADU) is approximately 32% of the lot.</td>
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<td>Rear yard area: 4,862 SF&lt;br&gt;Detached Garage: 440 SF&lt;br&gt;Proposed ADU: 650 SF&lt;br&gt;Yard Coverage: 24%</td>
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<td><strong>Building Height</strong>&lt;br&gt;The maximum height of an accessory building containing an ADU shall not exceed the height of the single family dwelling on the property or exceed seventeen feet (17’) in height, whichever is less.</td>
<td>Height of proposed ADU is approximately 14’ - 3”.</td>
<td>Complies</td>
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<td><strong>Side or Rear Yard Setbacks</strong>&lt;br&gt;New Accessory Buildings [ADU] shall be located a minimum of four feet (4’) from any side or rear lot line.</td>
<td>Side [North/East] Lot Line: 4 feet&lt;br&gt;Side [South] Lot Line: 15’ - 3”&lt;br&gt;Rear [East] Lot Line: 20’ - 6”</td>
<td>Complies</td>
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| **Separation**  
All ADUs [located in an accessory building] shall be located a minimum of ten feet (10') from the single family dwelling located on the same parcel and any single family dwelling on an adjacent property. | The proposed ADU is approximately 63’ - 8” from the principal dwelling on the same parcel.  
The nearest single-family dwelling on an adjacent property is approximately 56’ - 8”. | Complies |
|---|---|---|
| **Entrance Locations**  
The entrance to an ADU in an accessory building shall be located:  
(1) Facing a side or rear property line provided the entrance is located a minimum of ten feet (10’) from the side or rear property line. | The entrance for the proposed ADU is oriented towards the side [south] property line. The entrance is approximately 15’ - 3” from the side property line. | Complies |
| **Requirement for Windows**  
Windows on an accessory building containing an ADU shall comply with the following standards:  
(1) Windows shall be no larger than necessary to comply with the minimum Building Code requirements for egress where required.  
(2) Skylights, clerestory windows, or obscured glazing shall be used when facing a side or rear property line to comply with minimum Building Code requirements for air and light on building elevations that are within ten feet (10’) of a side or rear property line unless the side or rear property line is adjacent to an alley.  
(3) Except as required in subsection E3g(1) of this section, windows shall maintain a similar dimension and design as the windows found on the principal structure. | There are several windows on the south and west elevations (Window Schedule in Attachment B on Sheet A3.1). The proposed windows are similar in size and profile as the windows found on the principal structure.  
The proposed window on the north elevation will be within 10 feet of the side property line; therefore, it is an obscured window. | Complies |
| **Parking**  
An ADU shall require a minimum of one on-site parking space. | The principal dwelling has two (2) off-street parking spaces in the detached garage and an additional parking space under the attached carport, both accessed from the 500 East.  
The proposal would provide two (2) off-street parking spaces where a minimum of one (1) parking space is required for an ADU. | Complies |
ATTACHMENT E: ANALYSIS OF STANDARDS – CONDITIONAL USE

21A.54.080: Standards for Conditional Uses
A conditional use shall be approved unless the planning commission, or in the case of administrative conditional uses, the planning director or designee, concludes that the following standards cannot be met:

1. The use complies with applicable provisions of this title;

   Analysis: The proposed ADU use is located in the R-1/5,000 zoning district, which allows for an ADU to be approved through the conditional use process, subject to meeting the specific regulations for an ADU in section 21A.40.200 of the zoning ordinance. As analyzed in Attachment D, the ADU complies with the requirements of 21A.40.200.

   Finding: The proposed use will comply with the applicable provisions of the Salt Lake City Zoning Ordinance.

2. The use is compatible, or with conditions of approval can be made compatible, with surrounding uses;

   Analysis: The proposed ADU use is a small residential unit that should be readily compatible with surrounding uses, which are all single-family homes. The proposed ADU meets all the requirements in terms of setbacks and separation requirements between adjacent houses and the principal dwelling on the property.

   Finding: The proposed use is compatible with the surrounding uses.

3. The use is consistent with applicable adopted city planning policies, documents, and master plans; and

   Analysis: The proposal is located in the Liberty neighborhood planning area as established by the Central Community Master Plan. The master plan designates the future land use of this area as low density residential and the existing zoning on the property is R-1/5,000 Single-Family Residential.

   The purpose of the R-1/5,000 Single-Family Residential District is to provide for conventional single-family residential neighborhoods. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

   The purpose of accessory dwelling units are to:

   1) Create new housing units while respecting the appearance and scale of single-family residential development;
   2) Provide more housing choices in residential districts;
3) Allow more efficient use of existing housing stock, public infrastructure, and the embodied energy contained within existing structures;
4) Provide housing options for family caregivers, adult children, aging parents, and families seeking smaller households;
5) Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services;
6) Broaden the range of affordable housing throughout the City;
7) Support sustainability objectives by increasing housing close to jobs, schools, and services, thereby reducing greenhouse gas emissions and fossil fuel consumption;
8) Support transit-oriented development and reduce auto usage by increasing density near transit; and
9) Support the economic viability of historic properties and the City’s historic preservation goals by allowing accessory dwellings in historic structures.

The proposed ADU is consistent with the following Residential Land Use Goals/Policies included in the Central Community Master Plan:

- Encourage the creation and maintenance of a variety of housing opportunities that meet social needs and income levels of a diverse population.
- Ensure preservation of low-density residential neighborhoods.
- Encourage a mix of rental properties for those who cannot afford or do not choose home ownership (RLU-3.2).
- Support the efforts of the Housing Division and the Redevelopment Agency to provide residential construction in all qualifying neighborhoods within the Central Community (RLU-3.5).

The proposal is also consistent with the goals and policies outlined in Growing SLC: A Five Year Housing Plan which aims to increase housing options, promote diverse housing stock, and allow for additional units while minimizing neighborhood impacts.

**Finding:** The uses are consistent with applicable adopted city planning policies, documents, and master plans.

4. The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions (refer to Detrimental Effects Determination analysis below).

**21A.54.080B: Detrimental Effects Determination**

*In analyzing the anticipated detrimental effects of a proposed use, the planning commission, or in the case of administrative conditional uses, the planning director or designee, shall determine compliance with each of the following:*

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<th>Standards</th>
<th>Finding</th>
<th>Rationale</th>
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<tr>
<td>1. This title specifically authorizes the use where it is located;</td>
<td>Complies</td>
<td>The proposed ADU is an accessory residential use and is allowed as a conditional use within the R-1/5,000 zoning district. The proposed ADU complies with all specific regulations for an ADU including size, height,</td>
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<td>setbacks, distance to other houses, etc. as outlined in Attachment D.</td>
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<td>2.</td>
<td>The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps;</td>
<td>Complies</td>
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<td>3.</td>
<td>The use is well suited to the character of the site, and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area;</td>
<td>Complies</td>
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<td>4.</td>
<td>The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered;</td>
<td>Complies</td>
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<td>5.</td>
<td>Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows;</td>
<td>Complies</td>
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<td>6.</td>
<td>The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, nonmotorized, and pedestrian traffic;</td>
<td>Complies</td>
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7. The site is designed to enable access and circulation for pedestrian and bicycles; Complies The site is designed for pedestrian and bicycle access. There is a path from ADU patio area to 500 East through the subject property along the proposed concrete walkway.

8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street; Complies There is vehicular access to the site. No unreasonable impacts to the service level of the adjacent streets is anticipated.

9. The location and design of off-street parking complies with applicable standards of this code; Complies Two (2) off-street parking spaces for the proposed ADU would be provided in the rear yard with access from the alley.

10. Utility capacity is sufficient to support the use at normal service levels; Complies The Public Utilities department had no comments on the project.

11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts; Complies The proposed ADU may result in increased activity in the rear yard of the subject property. This must be taken into account for potential impacts to the abutting properties that appear to be single family residences. The proposal includes a new six-feet (6') wooden fence to enclose the ADU patio area and this would provide screening from the adjacent property.

12. The use meets city sustainability plans, does not significantly impact the quality of surrounding air and water, encroach into a river or stream, or introduce any hazard or environmental damage to any adjacent property, including cigarette smoke; Complies The project supports sustainability objectives by increasing housing close to jobs, schools, and services, thereby reducing greenhouse gas emissions and fossil fuel consumption.

13. The hours of operation and delivery of the use are compatible with surrounding uses; Complies The proposed use is an accessory residential structure and is compatible with the surrounding uses that are also residential.

14. Signs and lighting are compatible with, and do not negatively impact surrounding uses; and Complies Signs are not associated with this proposal. Any lighting on the accessory structure is not expected to have a negative impact on the surrounding uses or otherwise cause a nuisance.

15. The proposed use does not undermine preservation of historic resources and structures. Complies The property is not located within a Local Historic District and the proposal does not involve removal or any historic resources or structures.

**Finding:** In analyzing the anticipated detrimental effects of the proposed ADU, Staff finds that with the conditions identified in the analysis, the request complies with the criteria listed above.
ATTACHMENT F: PUBLIC PROCESS AND COMMENTS

Meetings:
- **December 24, 2019** – Notice of the project was provided to the Liberty Wells Community Council as well as property owners and residents within 300 feet of the subject property. The community council did not ask the applicant or staff to present or provide formal input on the proposal.

Public Notice:
- Early notice of application mailed on December 19, 2019
- Public hearing notice mailed on May 1, 2020
- Public hearing sign posted on the property on May 1, 2020
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites on May 1, 2020

Public Comments:
Staff has received two (2) public comments regarding the proposal, an email and a phone call. The phone call had general questions regarding the proposal and did not indicate a position. The email received was in opposition of the proposal (see attached).

Any public comments received up to the public hearing meeting will be forwarded to the Planning Commission and included in the public record.
This email is in regards to the ACU proposal at 1371 south 500 east. I am writing to request information as to when and if this matter will be discussed at an upcoming meeting, as well as to preemptively voice disapproval for this plan. I feel that if residents are incentivized to chop our properties into smaller pieces in order to monetize them through rent, and or lodging fees via air bnb style rental that it will drastically upset the character and comfort of our neighborhood. This being the first of what will presumably be many such applications with the new rulings from the city will set an example of what is to come. The accessory dwelling will require access via an alleyway which already receives too little maintenance from the city to support more traffic. It will also incentivize more building, which will pollute our field of view, require parking therefore congesting our roads. On the long term, it will further gentrify our neighborhood to a point of no return. Permitting for these types of structures, which are ultimately businesses should be granted to few, and far between. It is permissible by law, but that doesn't mean it should become the norm for the city. It is pandoras box. And once we start there is no going back. We need to consider the long term consequences to our daily lives, our community, and potential to paint ourselves into a corner so to speak; with over developing an already crowding, and gentrifying city.

I thank you for your time in considering my thoughts on this matter.
Fire (Doug Bateman at douglas.bateman@slcgov.com)

The ADU will be provided with fire sprinklers per the approved Alternate Means and Methods.